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DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Chapter 1

[Docket No. FAR-2020-0051, Sequence No. 5]

**Federal Acquisition Regulation; Federal Acquisition
Circular 2020-09; Introduction**

AGENCY: Department of Defense (DoD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Summary presentation of an interim rule.

SUMMARY: This document summarizes the Federal Acquisition Regulation (FAR) rule agreed to by the Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council (Councils) in this Federal Acquisition Circular (FAC) 2020-09. A companion document, the *Small Entity Compliance Guide* (SECG), follows this FAC.

DATES: For effective date see the separate document, which follows.

FOR FURTHER INFORMATION CONTACT: Farpolicy@gsa.gov or call 202-969-4075. Please cite FAC 2020-09, FAR case 2019-009.

Rule Listed in FAC 2020-09

Subject

FAR Case

Prohibition on Contracting with
Entities Using Certain
Telecommunications and Video
Surveillance Services or Equipment

2019-009

ADDRESSES: The FAC, including the SECG, is available via the Internet at <https://www.regulations.gov>.

SUPPLEMENTARY INFORMATION: A summary for the FAR rule follows. For the actual revisions and/or amendments made by this FAR case, refer to the specific subject set forth in the document following this summary. FAC 2020-09 amends the FAR as follows:

**Prohibition on Contracting with Entities Using Certain
Telecommunications and Video Surveillance Services or
Equipment (FAR Case 2019-009)**

This second interim rule amends the Federal Acquisition Regulation to implement section 889(a)(1)(B) of the John S. McCain National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2019 (Pub. L. 115-232). The first interim rule was published July 14, 2020.

This rule reduces the information collection burden imposed on the public by making updates to the System for Award Management (SAM) to allow an offeror to represent annually, after conducting a reasonable inquiry, whether it uses covered telecommunications equipment or services, or

any equipment, system, or service that uses covered telecommunications equipment or services. The burden to the public is reduced by allowing an offeror that responds "does not" in the annual representation at 52.204-26, Covered Telecommunications Equipment or Services—Representation, or in paragraph (v)(2)(ii) of 52.212-3, Offeror Representations and Certifications—Commercial Items, to skip the offer-by-offer representation for paragraph (d)(2) within the provision at 52.204-24, Representation Regarding Certain Telecommunications and Video Surveillance Services or Equipment. The provision at 52.204-26 requires that offerors review SAM prior to completing their required representations.

This rule applies to all acquisitions, including acquisitions at or below the simplified acquisition threshold and to acquisitions of commercial items, including commercially available off-the-shelf items. It may have a significant economic impact on a substantial number of small entities.

William F. Clark,
Director,
Office of Government-wide
Acquisition Policy,
Office of Acquisition Policy,
Office of Government-wide Policy.

Federal Acquisition Circular (FAC) 2020-09 is issued under the authority of the Secretary of Defense, the Administrator of General Services, and the Administrator of National Aeronautics and Space Administration.

Unless otherwise specified, all Federal Acquisition Regulation (FAR) and other directive material contained in FAC 2020-09 is effective **[insert date of publication in the *Federal Register*]** except for FAR Case 2019-009, which is effective **[insert date 60 days after date of publication in the *Federal Register*]**.

Kim Herrington,
Acting Principal Director,
Defense Pricing and Contracting,
Department of Defense.

Jeffrey A. Koses,
Senior Procurement Executive/Deputy CAO,
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William G. Roets, II,
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